

## **REGULAR MEETING**

**March 23, 2010**

# **City of Newburgh Zoning Board of Appeals**

Summary of Record of Actions Taken at the Regular Meeting of the Newburgh Zoning Board of Appeals held on February 23, 2010 at 7:30 p.m. at the Newburgh Activity Center, 401 Washington Street, Newburgh, NY.

Members Present: Victor Mirabelli  
Mary Ann Prokosch  
Mirta Rivas  
Barbara Smith  
James Kulisek

Also Present: Michelle Kelson, Corporation Counsel  
Michelle Mills, Secretary to the Board

### **Motion Made to Approve Minutes of February 23, 2010 Meeting**

**Motion Made: Victor Mirabelli**

**Motion Second: Mirta Rivas**

**Motion Carried: Unanimous**

## **New Business:**

### **1. Appeal No. 2010-04**

**Location: 29 Benkard Avenue**

**Applicant/Owner: Hugo E. Benecomo**

Anthony Coppola, architect for the project, appeared before the Board on behalf of the applicant. He explained that the owner purchased the property from the City at auction in 2009. The proposed Use is allowable in the zone but they are seeking an area variance due to the square footage on each floor. He presented maps and financial statements for review.

At this time the Chairperson opened the public hearing by reading the text of the notice. No one spoke in favor of or opposition to the applicant. The public hearing was duly convened and completed on March 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli  
Motion Second: Mirta Rivas  
Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

Zoning Board of Appeals to assume Lead Agency status for S.E.Q.R.A.:  
Motion Made: Victor Mirabelli  
Motion Second: David Schwartz

Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

Zoning Board of Appeals declares a Negative Declaration for S.E.Q.R.A.:  
Motion Made: David Schwartz  
Motion Second: Victor Mirabelli  
Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

Motion Made to approve ARE: Victor Mirabelli  
Motion Second: Mirta Rivas  
Roll Call Vote: Unanimous  
**Motion Carried: Unanimous**

**2. Appeal No. 2010-5**  
**Location 91 Broadway**  
**Owner: 121-123 Broadway Court**  
**Applicant: Andrew Cavaluzzi**

Anthony Coppola, Architect, Andrew Cavaluzzi, applicant and Mary Ann Amodeo, property owner all appeared before the Board. Mr. Coppola discussed the proposed project of a five story building consisting of four retail space on the first floor and four floor of with five apartments each. The apartments would be a mixture of 2 and 3 bedrooms, all handicap accessible. The exterior would have a historical Newburgh design and would be the same height as the Karpeles Museum. Funding applications including grants have been submitted and are awaiting approval. Numerous green initiatives will be incorporated into the design. Can provide only 9 of 61 parking spaces with current proposal, suggested Ann Street parking lot as possible alternative.

Mr. Cavaluzzi addressed the Board and advised that the original building on the site was mixed use until it was demolished in the 1970's. He stated that 10 of the apartments would be rented at affordable housing level rates and the other 10 would be rented at market rate level. He does not feel that studio apartments would be a financially feasible option. He mentioned several letters of support from local political leaders. He indicated he has previously worked with county and state agencies on his recent renovation of 87 Broadway.

At this time the Chairperson opened the public hearing by reading the text of the notice.

The following people spoke in favor of the applicant;

Michelle Basch- Owner of the Wherehouse Restaurant; Definitely in favor of walkable City. This is not a suburb and density is needed.

Susan Young - 128 Liberty Street; In favor of project - can workout parking problems.

Michael Gabor- 5 Grand Street; Wants to see project happen, empty lot too long. Feels there are too many proposed apartments and too much density. Is also against affordable level housing units.

Michael Curry- 8 Grand Street; Happy to hear about project, hopes it's viable. Parking is problem, No backyard for kids to play, no community room. Too much affordable housing already in the City.

Marietta Curry- 8 Grand Street; Pros and cons, has some concerns. Parking will affect current residents. Ann Street parking lot is more than allowable distance by Code. OCCC student influx with new campus about to open. Parking is crucial for success of project.

Barbara Smith and Victor Mirabelli voiced concerns regarding no play area for children tenants. MaryAnn Prokosch stated she felt there were too many apartments for such a dense area. Advised applicant to revise project and consider possible reduction in the height of the building. She also added that too many parking spaces would be required and that a compromise may be needed since it is the obligation of the applicant to show hardship.

The public hearing was duly convened and completed on March 23, 2010.

Motion to Close Public Hearing: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

At this time Mr. Coppola voluntarily requests that the item be tabled for one month.

Motion to table for one month: Victor Mirabelli

Motion Second: Mirta Rivas

Roll Call Vote: Unanimous

**Motion Carried: Unanimous**

## **OTHER:**

The next meeting of the Newburgh Zoning Board of Appeal will be held on April 27, 2010.

Meeting Adjourned 9:45 p.m.

Respectfully Submitted:

Approved:

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**Michelle M. Mills, Secretary**

**MaryAnn Prokosch, Acting  
Chairperson**